

PLANNING COMMISSION MINUTES OF JULY 11, 2005

2005-0353 - Application for a Design Review on a 5,482 square-foot site to allow a new two-story home and an attached accessory living unit resulting in 66% Floor Area Ratio where 45% may be allowed without Planning Commission review. The property is located at **694 Conway Road** in an R0 (Low Density Residential) Zoning District. (APN: 202-06-015) GC

Gerri Caruso, Principal Planner, presented the staff report. The project has changed since the public hearing notices went out. The notices indicated that the Floor Area Ratio (FAR) was 66%, however the applicant has reduced the size of the project and the FAR is now 59.5%. The project is in conformance with the development standards and the residential design guidelines. Due to the smaller lot size, the FAR seems high compared to other new homes in the immediate area. The sq. footage is 3,266 and includes an accessory living unit. Staff finds accessory units to be a benefit to the community and was able to make the findings to accept the higher FAR. There is a Condition of Approval (COA) in response to the applicant's damaging a significant walnut tree in an attempt to remove it. If this project is approved, the COA requires that the applicant replace that tree with three significant-sized box trees. If the project is not approved, a separate enforcement action would take place. Staff is recommending approval of the project in accordance with the findings in Attachment A and the COAs in Attachment B.

Comm. Simons confirmed with staff that COA 4.A.1. only requires two significant-sized box trees instead of three. Ms. Caruso said that is correct and only two trees are required. Comm. Simons said the report indicates that the previous owner applied for a tree removal permit and it was denied. He asked staff why it was denied. Ms. Caruso said at the time of the application for the permit, staff could not make the findings to remove the tree. She said that the previous owner did not pass on the information to the new owners regarding the denial of the tree removal permit.

Comm. Babcock asked what the allowed FAR would be if this were a single family home. Ms. Caruso said it would be the same as this application even with the accessory living unit. Anything over 45% must be reviewed by the Planning Commission. Comm. Babcock commented that if you remove one wall, the accessory unit disappears. She asked if there was anything to prevent removal of the wall. Ms. Caruso said the applicant plans on installing a separate kitchen which indicates that they mean this to be a second unit. One unit must always be owner occupied. Ms. Caruso said someone could come in the future and remove the wall. Comm. Babcock asked if a house this size could be approved as a single-family home. Ms. Caruso said yes.

Comm. Sulser asked staff about the front setback and since this is a private street, is this measured from the curb. Ms. Caruso said yes that it is measured from their property line. Comm. Sulser said that on his site visit he spoke with a neighbor and they thought the property line was in the middle of the street. Ms. Caruso said it is no longer in the middle of the street.

Ying Wong, the applicant, added the purpose of the application is to make the old house that they have purchased to more like a new house to live in.

Comm. Klein asked Mr. Wong if the accessory unit was for their family or if it would be a rental. He said the accessory unit is for family.

Chair Hungerford opened the public hearing.

Elizabeth Holomon, a neighbor on nearby Hollenbeck, said that back in 2001 an assessment district was created in the Conway Road neighborhood and the City was able to help which allowed those who wanted to develop to do so. She feels that staff has overlooked the fire hydrant in the front of the proposed property. She said that when Conway was done it was a big deal that there be no parking on this road in order to allow for fire access. She said that people are now parking on both sides of the road which does not allow access for a fire truck. She said if this development is allowed it will set a precedence and others will want to develop further. If the development is allowed, there will be more people living on Conway and there will be a need for parking. She said that the 45% FAR should be followed as a few years ago the City was adamant about no more than 45%. She said she is in awe that City staff recommends accommodating the 59% FAR. She also said that the tree would not have been a problem if the second unit in back were not proposed and that it is a terrible injustice that this beautiful tree was taken down without permits.

Comm. Simons asked Ms. Holomon what she would recommend, based on what is happening to improve the situation. She answered that there would be one side of the street with no parking. She would like to see the City paint the curbs red on one side of the road to allow enough room for emergency vehicles to access Conway. Comm. Simons asked which side of the road should be painted red. She said either would be fine, but that it needs to be done for safety. Comm. Simons confirmed with Ms. Holomon that she was recommending that this property should be redlined for no parking.

Comm. Moylan asked Ms. Holomon if the curb in front of her house on Hollenbeck was painted red as she had previously mentioned the City had painted it for her. She said yes that she asked the City to paint it red where it is nearest Conway and Hollenbeck as those coming out of Conway could not see well. Comm. Moylan commented he was almost hit coming out of Conway onto

Hollenbeck as there was an SUV parked there. Ms. Holomon said that the curb needs to be repainted.

Paul Qian, a neighbor on Conway, spoke in support of this project. He said that Conway is an older road and they are glad to see the new house being built. He said his only concern is with the windows on the left side on the second floor. He said one of the bedroom windows is big and is a privacy concern. He talked to the owner and asked the window size be reduced.

Chair Hungerford closed the public hearing.

Comm. Babcock asked staff if this private road was set up for fire access and does that require that the entire road side be painted red. Ms. Caruso said she could follow up with Public Works for that information.

Comm. Moylan referenced page 4 of report commenting that as part of the assessment district, an 11 ft. easement was created for the expansion of the street. Ms. Caruso said the easement across the front of the northern parcels is for utility purposes only and that the street was not being widened.

Comm. Klein moved for Alternative 1., to approve the Design Review with conditions as recommended by staff. Comm. Babcock seconded, offering a Friendly Amendment to reduce the size of the windows on the left side of the building on the second floor. Ms. Caruso said that the bedrooms have to meet the minimum egress for the building code and that there is a COA already for the master suite in the back for the second unit, that the window be a higher, narrower window. The front, larger window is the only one that can be explored with building to see if it can be made smaller and still meet egress. With this information, the Friendly Amendment was not needed.

Comm. Simons offered a Friendly Amendment requesting staff to review the parking consideration for Conway and if appropriate, that the different parts of the street be painted red. Ms. Caruso said that can not be added as a COA on this project, but staff will make sure to check with DPW and if the street curbs need to be painted red, staff will see that it gets done. Comm. Simons said that this is a recommendation to staff and not a request for a COA. **The Friendly Amendment was accepted by the maker of the motion and the seconder.**

Comm. Klein commented that he is happy to see the accessory unit on this site as it allows more residents to live in the area without breaking up the streetscapes. He is concerned about the parking issue, but is sure City staff will take care of this issue.

Chair Hungerford said he can not support the motion as he feels the house is too large for the lot and the street is too narrow. He feels it will set a precedent as this is one of the first new houses being built on Conway. If others build on Conway and are allowed a 59% FAR, the street would be a crowded neighborhood on a narrow street.

Comm. Simons will not be supporting the motion partly because of concerns brought up tonight that were not addressed in the report. He is not against the project, but would like more information about the street, the capacity and the impact of this project and further development of this small private street.

Comm. Klein commented that he has the same concerns as the other commissioners, but does not feel it is the burden of this applicant to work out the parking issues, as ultimately the parking issues are not part of this plan. The parking issues should be worked out by City staff.

Comm. Klein made a motion on Item 2005-0353 for Alternative 1., to approve the Design Review with conditions as recommended by staff, and for staff review the parking situation on Conway and paint the street curbs red if appropriate. Comm. Babcock seconded.

Motion carried, 4-3, Chair Hungerford, Vice Chair Fussell and Comm. Simons dissenting.

This item is appealable to the City Council no later than July 26, 2005.